

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

OP.No. 7650 of 2003(I)

PETITIONERS:

- 1. N.UDAYAKUMAR, SENIOR ASSISTANT,
OFFICE OF THE CHIEF ENGINEER (HRM), KSE BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.**
- 2. M.BABU SREEKANTAN, SENIOR ASSISTANT,
DO. DO.**
- 3. B.SURESH, SENIOR ASSISTANT, DO. DO.**
- 4. K.SASIDHARAN THAMPI, SENIOR ASSISTANT,
DO. DO.**
- 5. K.MADHAVAN POTTI, SENIOR ASSISTANT
BOARD SECRETARIAT, K.S.E.BOARD, VYDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.**
- 6. P.K.BINDU, SENIOR ASSISTANT, ELECTRICAL
DIVISION, KSE BOARD, MAVELIKKARA.**
- 7. I.B.SINDHU, SENIOR ASSISTANT,
OFFICE OF THE CHIEF ENGINEER (HRM), KSE BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.**
- 8. A.KOCHU KOSHY, SENIOR ASSISTANT, DO. DO.**
- 9. K.S.PRADEEP KUMAR, SENIOR ASSISTANT
OFFICE OF THE CHIEF ENGINEER (IPDS), KSE BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.**
- 10. P.BEENA, SENIOR ASSISTANT
OFFICE OF THE CHIEF ENGINEER (HRM), KSE BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.**
- 11. C.VIJAYAKUMARAN SENIOR ASSISTANT,
DO. DO.**
- 12. S.MOHANAN, SENIOR ASSISTANT,
OFFICE OF THE FINANCIAL ADVISER, KSE BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.**

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- 13. JOS KUNDUKULAM, SENIOR ASSISTANT
OFFICE OF THE CHIEF ENGINEER (HRM), KSE BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.**
- 14. R.ANILKUMAR, SENIOR ASSISTANT, DO.DO.**
- 15. P.S.UNNIKRISHNAN NAIR, SENIOR ASSISTANT
ELECTRICAL DIVISION, KSE BOARD, THIRUVALLA.**
- 16. S.LAIJU, SENIOR ASSISTANT, ELECTRICAL
DIVISION, KSE BOARD, ATTINGAL.**
- 17. JEEJO M.S., SENIOR ASSISTANT,
OFFICE OF THE CHIEF ENGINEER (HRM), KSE BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.**
- 18. B.GIREESH, SENIOR ASSISTANT,
OFFICE OF THE FINANCIAL ADVISER, KSE BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.**

**BY ADV. SRI.C.P.SUDHAKARA PRASAD
SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.P.N.SANTHOSH
SRI.S.D.ASOKAN
SRI.T.NAVEEN**

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.**
- 2. THE CHAIRMAN, KERALA STATE ELECTRICITY
BOARD, VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM**
- 3. THE CHIEF ENGINEER (HRM), KERALA STATE
ELECTRICITY BOARD, VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.SANTHALINGAM, SC, KSEB
BY ADV.SRI.C.K.KARUNAKARAN**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP. 7650/2003

ORDER ON CMP. NO.13350/2003 IN OP. NO.7650/2003

DISMISSED

30.05.2007

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REPRESENTATION DT.30.5.02 FILED BY THE 1ST PETITIONER TO THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE ORDER NO.ESTT.I/5375/2002. DT.29.1.03 ISSUED BY THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE COMPARATIVE TABLE REGARDING THE PAY DRAWN BY THE 2ND PETITIONER AND SRI.SATHEESH KUMAR.

EXT.P4(SERIES):- COPY OF THE COMPARATIVE TABLE SHOWING THE SERVICE PARTICULARS AND PAY FIXATION OF PETITIONERS 3 TO 13 AND 18.

EXT.P5(SERIES):- COPY OF THE COMPARATIVE TABLE REGARDING THE PAY DRAWN BY SRI.B.SATHEES KUMAR AND PETITIONERS 14 TO 17.

/TRUE COPY/

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.7650 of 2003-I

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Dated this the 30th day of May, 2007.

JUDGMENT

The petitioners, all of whom were first appointed in the service of the K.S.E.Board as Cashier/Junior Assistants on being advised for such appointment by the Public Service Commission, seek to make out a case that Sri.B.Satheesh Kumar, who was first appointed in the service of the Board as an Electricity Worker and later promoted as Junior Line Assistant Grade II and Junior Line Assistant Grade I, was allowed to be converted as Cashier/Junior Assistant on the basis of a settlement reached between the management and the trade unions of employees, resulting in Sri.Satheesh Kumar drawing emoluments at a higher rate than the petitioners and preferential movement higher up in the ladder, with the passage of time.

2. In support of this writ petition seeking that the petitioners are also entitled to fixation of their pay at par with

that drawn by Sri.Satheesh Kumar, the issue urged is that Rule 28A of Part I K.S.R., in particular, Ruling No.1 thereunder entitles the petitioners to such benefit. However, a reading of Rule 28A would clearly show that it only enables personnel who move up to the ladder by promotion or appointment from the service and does not apply to create an equation in the scales of pay of a direct recruit, vis-a-vis, a promotee or appointee otherwise. For this short reason, the reliance placed by the petitioners on Rule 28A of Part I K.S.R. fails.

In the result, the writ petition is dismissed. However, there will be no order as to costs.

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.7650 of 2003-I

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JUDGMENT

Dated: 30th May, 2007.